

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 101

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE STATE BRAND BOARD; AMENDING SECTION 25-1122, IDAHO CODE, TO
2 REVISE FEE PROVISIONS RELATING TO OWNERSHIP AND TRANSPORTATION CER-
3 TIFICATES AND TO CORRECT A CODIFIER'S ERROR; AMENDING SECTION 25-1145,
4 IDAHO CODE, TO REVISE A DATE PROVISION RELATING TO THE RENEWAL OF THE
5 RECORDINGS OF BRANDS AND TO REVISE A FEE PROVISION RELATING TO THE FIL-
6 ING OF RENEWAL APPLICATIONS ASSOCIATED WITH THE RECORDING OF BRANDS;
7 AMENDING SECTION 25-1146, IDAHO CODE, TO REVISE A FEE PROVISION RELAT-
8 ING TO THE RECORDING OF WRITINGS EVIDENCING CERTAIN SALES, ASSIGNMENTS
9 OR TRANSFERS OF BRANDS; AND AMENDING SECTION 25-3303, IDAHO CODE, TO
10 REVISE FEE PROVISIONS RELATING TO LIVESTOCK DEALER LICENSING.
11

12 Be It Enacted by the Legislature of the State of Idaho:

13 SECTION 1. That Section 25-1122, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 25-1122. OWNERSHIP AND TRANSPORTATION CERTIFICATE. (1) The owner or
16 owners of any horses, mules or asses desiring to transport them within the
17 state for any purpose other than sale or trade, may, upon request to the state
18 brand inspector, be issued an ownership and transportation certificate,
19 which certificate shall be issued in lieu of the required brand inspection
20 certificate or other written permit for each horse, mule or ass to be trans-
21 ported.

22 (2) An ownership and transportation certificate may be used by the
23 owner or owners of a horse, mule or ass for identification purposes and as
24 prima facie proof of ownership of any animal described by such a certificate.

25 (3) The ownership and transportation certificate shall be valid as long
26 as the horse, mule or ass described therein remains under the ownership of
27 the person or persons to whom the certificate is issued.

28 (4) The ownership and transportation certificate of a horse, mule or
29 ass must accompany the animal for which it is issued at all times while the
30 animal is in transit.

31 (5) Each ownership and transportation certificate of a horse, mule or
32 ass shall identify the particular animal by color, markings, sex, age and
33 where applicable by brand, registration number, tattoo or other marks as
34 provided for by regulation of the state brand board.

35 (6) There shall be a fee in an amount to be set by the state brand board,
36 not to exceed ~~twenty~~thirty-five dollars (\$235.00), for issuance of each own-
37 ership and transportation certificate, which fee shall be in addition to any
38 brand inspection certificate or other written permit which may be requested
39 by the owner or owners of a horse, mule or ass under other provisions of law.

40 (7) Upon any change of ownership of a horse, mule or ass for which an
41 ownership and transportation certificate has been issued, the former owner
42 or owners may transfer the certificate to the new owner or owners upon pay-

1 ment of a fee to be set by the state brand board, not to exceed ~~twenty~~thirty-
2 five dollars (\$~~2~~35.00) per certificate.

3 (8) The state brand board may, under such terms and conditions as it
4 deems necessary to protect ownership of horses, mules and asses, ~~provided~~
5 provide by regulation that ownership and transportation certificates may be
6 used in transportation of horses, mules or asses to and from points outside
7 of the state of Idaho, and may provide that similar certificates from other
8 states may be used for proof of ownership of horses, mules or asses entering
9 Idaho.

10 SECTION 2. That Section 25-1145, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 25-1145. RENEWAL OF BRANDS. (1) On July 1, ~~1995~~ 2011, and at the end
13 of each recording period of an original application pursuant to section
14 25-1144, Idaho Code, and at the end of each successive period thereafter
15 on the first day of July, the recording of every brand in the office of the
16 state brand inspector shall be renewed upon application for such renewal
17 by the owner. The fee of the state brand inspector for filing each such re-
18 newal application shall be not more than ~~seventy-five~~ one hundred dollars
19 (\$~~75.00~~100) and it shall be the duty of the state brand inspector to furnish
20 without further or other charge one (1) certified copy of the certificate
21 of such brand to the owner thereof upon his request, and for each additional
22 certified copy the state brand inspector shall be paid a reasonable fee as
23 determined by the state brand board not to exceed one dollar and fifty cents
24 (\$1.50) for the additional certified copy. The fee for recording each re-
25 newal shall be paid coincident with the filing of the application therefor.

26 (2) Each application for the renewal and the record of renewal of each
27 brand shall be made in the same manner as is provided by law for the filing of
28 an original application for the recording of a brand.

29 (3) If an application for the renewal of any brand shall not be made and
30 the fee therefor paid within the period of six (6) months after the expira-
31 tion date for such renewal, then such brand may be allotted by the state brand
32 inspector to any other person who shall apply therefor.

33 SECTION 3. That Section 25-1146, Idaho Code, be, and the same is hereby
34 amended to read as follows:

35 25-1146. SALES AND TRANSFERS OF BRANDS. Any brand recorded in accor-
36 dance with the requirements of this chapter shall be the property of the
37 stock grower in whose name the same shall be recorded, and shall be subject
38 to sale, assignment, transfer, devise and descent, the same as personal
39 property. Instruments of writing evidencing any such sale, assignment or
40 transfer shall be acknowledged as deeds to real estate are now required to
41 be, and shall be recorded in the office of the state brand inspector in a book
42 to be by said officer kept for that purpose, which shall be properly indexed.
43 The recording of such instruments in said office shall have the same force
44 and effect as to third parties, as the recording of instruments affecting
45 real estate, and the acknowledgment of the same shall have the same force and
46 effect as the acknowledgment of deeds to real estate, and certified copies
47 of the record of any such instrument, duly acknowledged, may be introduced

1 in evidence the same as is now provided for certified copies of instruments
2 affecting real estate. The fee of the state brand inspector for recording
3 the writings evidencing each such sale, assignment or transfer shall be
4 ~~twenty-five~~ fifty dollars (\$~~25~~50.00).

5 SECTION 4. That Section 25-3303, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 25-3303. LICENSE REQUIRED. Any person doing business as a livestock
8 dealer in the state of Idaho must secure an annual license from the board.
9 A fee of ~~forty one~~ one hundred dollars (\$~~40.00~~100) shall accompany any such ap-
10 plication for initial issuance or renewal. In addition, a fee of ~~fifteen~~
11 thirty-five dollars (\$~~15~~35.00) shall be paid for each authorized represen-
12 tative of a licensee. Such fees so received are not returnable and shall be
13 deposited in the state brand account created in section 25-1161, Idaho Code.
14 Upon determination that the applicant is qualified, the board shall issue a
15 license to the applicant and all annual licenses shall terminate and become
16 void each successive June 30th.